

Message Text

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FOR TERRY LEITZELL

FOLLOWING REPEAT LONDON 10589 SENT ACTION SECSTATE 27 JUN 77

QUOTE LIMITED OFFICIAL USE LONDON 10589

DEPARTMENT PASS TO COAST GUARD AND DOT

E.O. 11652: N/A

TAGS: AORG, EWWT, IMCO

SUBJECT: ADMINISTRATION INITIATIVES ON MARINE OIL

POLLUTION: DEVELOPMENTS IN SEVENTH SESSION OF
MEPC AND SECOND SESSION OF INTERSESSIONAL
WORKING GROUP (TSPP), LONDON, JUNE 20-24, 1977

1. SUMMARY. AFTER INTRODUCTION OF US INITIATIVES AND
RESPONSE BY NUMEROUS DELEGATIONS, MEPC REFERRED US PRO-
POSALS AND SEGREGATED BALLAST IN EXISTING TANKERS TO
SECOND SESSION OF INTERSESSIONAL WORKING GROUP (TSPP II),
MEETING 21-23 JUNE. IN TSPP, GENERAL DISCUSSION OF US
PROPOSALS ENSUED, AND SOME ALTERNATIVES WERE PROPOSED FOR
CONSIDERATION. DISCUSSIONS WERE NOT DISPOSITIVE OF ANY
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ISSUES, TENDING TO BE LIMITED TO TECHNICAL RAMIFICATIONS
WITH ONLY TENTATIVE REFERENCE TO UNDERLYING BASIC CON-
CERNS; I.E., ECONOMIC, FINANCIAL, AND COMMERCIAL PROBLEMS
WHICH MIGHT BE ENCOUNTERED WERE US PROPOSALS TO BE
ADOPTED. IN ESSENCE, TSPP II SERVED AS A SOUNDING BOARD
FOR TSPP III AND THE JOINT MSC/MEPC MEETING IN OCTOBER
WHERE MORE DEFINITIVE CONCLUSIONS WILL HAVE TO BE REACHED
WHILE DEFENDING US PROPOSALS WHERE APPROPRIATE, USDEL
ALLOWED DISCUSSION TO RUN ITS COURSE, ACCEPTING DIVERSION
AND EXTRANEIOUS COMMENTARY AS NECESSARY REFLECTIONS OF

UNFORMED POSITIONS OF VARIOUS DELS. PRIVATE CONVERSATION WITH SEVERAL DELEGATIONS DISCLOSED GENERAL VIEW THAT GENERAL ATTITUDES TOWARD US PROPOSALS ARE STILL FLUID AND GOVERNMENTS ARE STILL DEVELOPING POSITIONS ON SPECIFICS. USDEL CLOSED TSPP SESSION WITH STATEMENT WHICH TOOK STOCK OF SITUATION FROM US POINT OF VIEW, PUTTING OTHERS ON NOTICE THAT WE EXPECT REAL PROGRESS IN JULY AND OCTOBER ON BOTH US AND ALTERNATIVE PROPOSALS. OVERALL, CONSIDERING TIME FACTORS AND COMPLEXITIES OF ISSUES RAISED, SESSION SERVED USEFUL PURPOSE AS INTERMEDIATE STEP TOWARD DISPOSITIVE MEETINGS YET TO COME. END SUMMARY.

2. AT THE OPENING OF THE SEVENTH SESSION OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE (MEPC), JUNE 20, US INITIATIVES WERE TAKEN UP FIRST. AFTER HEARING A PRESENTATION OF THE US PROPOSALS BY RADM WALLACE, AND PRELIMINARY COMMENTS FROM MOST DELEGATIONS, MEPC DECIDED (1) TO JOIN WITH MARITIME SAFETY COMMITTEE (MSC) IN A JOINT INTERSESSIONAL WORKING GROUP ON TANKER SAFETY AND POLLUTION PREVENTION (TSPP); (2) TO REFER THE US PROPOSALS TO THE TSPP WORKING GROUP; (3) TO HOLD A JOINT SESSION OF MSC/MEPC OCTOBER 10-21, 1977, TO PREPARE DRAFTS FOR THE FEBRUARY 1978 INTERNATIONAL CONFERENCE; AND (4) TO LIMITED OFFICIAL USE
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ENDORSE HAREIDE (NORWAY) AS CHAIRMAN OF THE TSPP WORKING GROUP.

3. ON TUESDAY, JUNE 21, DELEGATIONS DIVIDED AND MET CONCURRENTLY. MEPC CONTINUED WITH OTHER AGENDA ITEMS WHILE TSPP GROUP TOOK UP US PROPOSALS. 30 COUNTRIES PLUS 9 NGO'S PARTICIPATED IN THE TSPP WORKING GROUP. FIRST MORNING WAS TAKEN UP BY GENERAL STATEMENTS SUPPORTING, OPPOSING, OR AVOIDING THE US PROPOSALS:

(A) GENERALLY SUPPORTIVE WERE: FRANCE, USSR, NORWAY, SWEDEN, EGYPT, GREECE;

(B) GENERALLY OPPOSING WERE: JAPAN, KUWAIT, ITALY, CANADA, OCIMF, ICS, SPAIN, UK, ARGENTINA, NETHERLANDS;

(C) GENERALLY AVOIDING THE ISSUE WERE: NIGERIA, POLAND, MEXICO, DENMARK.

4. CONCERNING SB, AUSTRALIA SUMMARIZED THE DISADVANTAGES AND ADVANTAGES, AS FOLLOWS:

DISADVANTAGES:

(A) LOSS OF CAPACITY OF 15 TO 30 PERCENT;

(B) COST OF RETROFIT OF ONE MILLION TO ONE AND HALF

MILLION;

(C) INCREASED FREIGHT RATES OF 8 PERCENT OR MORE;

(D) TANK WASHING IS NOT ELIMINATED;

(E) MORE TANKERS WILL BE REQUIRED THUS INCREASING RISK
OF COLLISION;

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(F) RETROFIT WILL PROLONG LIFE OF OLD TANKERS.

ADVANTAGES:

(A) LESS RECEPTION FACILITIES REQUIRED;

(B) LESS OUTFLOW IN CASES OF ACCIDENTS;

(C) UNLOADING SPEEDED UP;

(D) REDUCTION OF COST AND TIME IN TANK WASHING;

(E) REDUCTION OF OPERATIONAL POLLUTION.

SUBSEQUENT DISCUSSION ELEBORATED UPON AUSTRALIAN INTER-
VENTION AND GAVE BIRTH TO PROPOSAL OF CRUDE OIL WASHING
(COW) WITH LOAD ON TOP (LOT) AS ALTERNATIVE TO SEGREGATED
BALLAST IN EXISTING TANKERS.

5. DURING THE AFTERNOON THE DISCUSSION FOCUSED ON INERT
GAS (IG) AND DOUBLE BOTTOMS (DB). THERE WERE A FEW
NEGATIVE COMMENTS CONCERNING IG ON SMALLER VESSELS,
PARTICULARLY PRODUCT CARRIERS (NETHERLANDS, UK, JAPAN,
OCIMF) BUT NO ALTERNATIVES WERE PROPOSED.

6. AS DISCUSSION MOVED TO DOUBLE BOTTOMS (DB) NEGATIVE
COMMENTS BEGAN TO PREDOMINATE, BUT THERE WAS SOME SUPPORT
FROM USSR, EGYPT AND FRANCE. SEGREGATED BALLAST (SB)
DEFENSIVELY PLACED, WAS PROPOSED AS AN ALTERNATIVE TO DB
FOR NEW TANKERS 70,000 DWT AND OVER. DAY ENDED WITHOUT
ANY NOTABLE PROGRESS, BUT SOME DELEGATIONS SHOWED INTER-
EST IN DR. SPENELLI'S (CHAIRMAN MSC, ITALY) RESTATEMENT
OF THE US FORMULA FOR USE OF DEFENSIVELY PLACED SB AS A
POSSIBLE ALTERNATIVE TO DB IN NEW SHIP DESIGN.

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7. ON WEDNESDAY, JUNE 22, CONSIDERABLE DISCUSSION OCCUR-
RED ON ALTERNATIVES TO SB. SPENELLI INTRODUCED A FOUR-

ALTERNATIVE PROPOSAL WHEREBY AN OIL TANKER 20,000 DWT AND OVER COULD ARRIVE AT PORT:

(A) WITH A CERTIFICATE THAT SHE IS AN SB TANKER;

(B) WITH A CERTIFICATE THAT SHE IS A CLEAN BALLAST TANKER (CBT);

(C) WITH A CERTIFICATE FROM THE UNLOADING PORT THAT SHE SAILED WITH CLEAN BALLAST IN QUANTITY EQUIVALENT TO SB REQUIRED BY 73 MARPOL;

(D) WITH DIRTY BALLAST IN QUANTITY REQUIRED BY MARPOL 73, IN CASES WHERE LOADING PORT HAS SHORE RECEPTION FACILITIES NEARLY ALL DELEGATIONS (INCLUDING SPINELLI) ACKNOWLEDGED THE ENORMOUS PROBLEM OF ENFORCEMENT, EXCEPT FOR SBT.

8. CRUDE OIL WASHING (COW) USED WITH LOAD ON TOP (LOT) PROVED TO HAVE A LOT OF SUPPORTERS BUT REPORTABLE EXPERIENCE WITH COW/LOT WAS VERY SPARSE AND ADMITTEDLY REQUIRES LARGER AND MORE HIGHLY QUALIFIED CREWS. SOME DELEGATIONS INCLUDING NGO'S, PROMISED TO PROVIDE MORE DATA BY JOINT MSC/MEPC IN OCTOBER. AT THE END OF THE MORNING SESSION THE ECONOMIC AND FINANCIAL PROBLEMS--AND WHO WOULD BEAR, OR SHARE, THE SHORT TERM COSTS--BEGAN TO COME TO THE FORE

9. THE AFTERNOON DISCUSSION ON IGS GOT SIDETRACKED SOMEWHAT OVER THE ALLEGED DIFFERENCES BETWEEN CRUDE CARRIERS AND PRODUCT CARRIERS, BUT THIS LED TO NO USEFUL CONCLUSIONS.

10. THE OECD OBSERVER SAID OECD COULD DO A STUDY ON THE LIMITED OFFICIAL USE
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ECONOMIC AND POLITICAL ASPECTS OF RETROFIT OF SB, TAKING INTO ACCOUNT: THE SHIPPING SIDE, THE SHIPBUILDING SIDE, THE SECURITY OF ENERGY SUPPLY, AND THE FINANCIAL MARKET. HE COULD NOT PROMISE STUDY AVAILABILITY TO IMCO. THIS FINALLY LED TO A DISCUSSION OF ONE OF THE KEY PROBLEMS IN THE US PROPOSALS: THE PROTECTION OF THE COMPETITIVE POSITION OF THOSE WHO RETROFIT, AGAINST THOSE WHO DO NOT, DURING THE TRANSITION PERIOD. SWEDEN PROPOSED EQUIVALENT QUANTITY OF CLEAN BALLAST TANKS (CBT) FOR EXISTING SHIPS THAT DO NOT RETROFIT. SWEDEN INSISTED, HOWEVER, THAT CBT WAS ONLY A TRANSITIONAL MEASURE TO EQUALIZE COMPETITIVENESS, NOT AN ALTERNATE TO SBT.

11. ON THURSDAY, JUNE 23, THE WHOLE DAY WAS SPENT REVIEWING AND EDITING THE SECRETARIATS RATHER OBTUSE DRAFT REPORT OF THE SECOND SESSION.

12. JUST AS THE MEETING WAS ABOUT TO BREAK UP, ADMIRAL WALLACE COMMENTED ON THE RESULTS OF THE SESSION AS SEEN BY THE USDEL. THE CHAIRMAN ASKED THAT A SUMMARY OF THE COMMENTS BE APPENDED TO THE WORKING GROUP REPORT. THE SUMMARY READS AS FOLLOWS:

(1) UNITED STATES PROPOSAL:
DOUBLE BOTTOMS IN NEW OIL TANKERS OF 20,000 DWT AND ABOVE.
ALTERNATIVES:
(A) DISTRIBUTION OF SEGREGATED BALLAST AS PROTECTIVE SPACES FOR NEW OIL TANKERS OF 70,000 DWT AND ABOVE.
(B) FOR NEW OIL TANKERS FROM 20,000 DWT TO 70,000 DWT, NO ALTERNATIVES WERE PROPOSED.

UNITED STATES COMMENTS:
THE UNITED STATES REAFFIRMS ITS PROPOSAL FOR DOUBLE LIMITED OFFICIAL USE
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BOTTOM CONSTRUCTION ON NEW OIL TANKERS OF 20,000 DWT AND ABOVE.
THE ALTERNATIVE OF DISTRIBUTING THE REQUIRED SEGREGATED BALLAST IN PROTECTIVE LOCATIONS AGAINST THE SIDE SHELL AND BOTTOM PLATING AS PROPOSED BY DR. SPINELLI OF ITALY FOR NEW OIL TANKERS OF 70,000 DWT AND ABOVE MERITS FULL EVALUATION BY THE THIRD SESSION OF THE GROUP.
IN THE ABSENCE OF ANY PROPOSED ALTERNATIVES FOR NEW OIL TANKERS FROM 20,000 DWT TO 70,000 DWT, THE UNITED STATES WILL GIVE SIMILAR CONSIDERATION TO THE POSSIBLE APPLICATION OF THE PROTECTIVE SPACE CONCEPT AS AN ALTERNATIVE FOR TANKERS IN THE LOWER TONNAGE RANGE.

(2) UNITED STATES PROPOSAL:
SEGREGATED BALLAST FOR BOTH NEW AND EXISTING OIL TANKERS OF 20,000 DWT AND ABOVE.
ALTERNATIVES:
(A) USE OF THE CLEAN BALLAST TANK (CBT) CONCEPT AS AN INTERIM MEASURE TO ALLOW REQUIREMENTS FOR SEGREGATED BALLAST TO BE PHASED IN EQUITABLY.
(B) USE OF THE CRUDE OIL WASHING SYSTEM ON EXISTING OIL TANKERS OF 70,000 DWT AND ABOVE.
(C) ALTERNATIVES PROPOSED BY DR. SPINELLI OF ITALY AS DOCUMENTED IN PARAGRAPH 27 OF THIS REPORT.
(D) FOR NEW AND EXISTING OIL TANKERS FROM 20,000 DWT TO 70,000 DWT, NO ALTERNATIVES WERE PROPOSED.

UNITED STATES COMMENTS:
THE UNITED STATES REAFFIRMS ITS PROPOSAL FOR SEGREGATED BALLAST FOR BOTH NEW AND EXISTING OIL TANKERS OF 20,000 DWT AND ABOVE.
IT IS NOTED THAT THE 1973 CONVENTION REQUIRES SEGREGATED

BALLAST IN NEW OIL TANKERS OF 70,000 DWT AND ABOVE.

THE CBT CONCEPT WAS PROPOSED BY SWEDEN AS AN INTERIM MEASURE. WHILE SOME DELEGATIONS SUGGESTED THAT IT MIGHT LIMITED OFFICIAL USE
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BE CONSIDERED INSTEAD AS AN ALTERNATIVE, THE UNITED STATES ENDORSED THE STATEMENTS OF SWEDEN THAT THE CLEAN BALLAST CONCEPT MUST BE CONSIDERED AN INTERIM MEASURE FOR THE PHASING IN OF SEGREGATED BALLAST REQUIREMENTS, NOT AS A COMPLETE OR PARTIAL ALTERNATIVE TO SEGREGATED BALLAST.

CRUDE OIL WASHING REQUIRES FULL EVALUATION AS A POSSIBLE ALTERNATIVE FOR SEGREGATED BALLAST FOR EXISTING OIL TANKERS OF 70,000 DWT AND ABOVE. AS NOTED BY 7 DELEGATIONS, CRUDE OIL WASHING APPEARS AT THIS TIME TO SUPPLEMENT SEGREGATED BALLAST AS AN ADDITIONAL OPERATIONAL CONTROL RATHER THAN TO BE AN ALTERNATIVE. THE UNITED STATES PRESENTLY SHARES THE VIEW OF THOSE DELEGATIONS AND NOTES WITH SOME CONCERN THAT THE ADDITIONAL, SPECIFIC INFORMATION AND DATA ON CRUDE OIL WASHING REQUESTED AT THIS SESSION WILL NOT BE AVAILABLE UNTIL SEPTEMBER OR OCTOBER OF THIS YEAR.

THE ALTERNATIVES PROPOSED BY DR. SPINELLI OF ITALY IN PARAGRAPH 27 OF THIS REPORT DESERVE A THOROUGH EXAMINATION. THE UNITED STATES SHARES THE CONCERN EXPRESSED BY OTHER DELEGATIONS THAT ENFORCEMENT OF THESE ALTERNATIVES WOULD BE DIFFICULT. AS A PRE-REQUISITE TO ACCEPTANCE, EFFECTIVE AND UNIFORM ENFORCEMENT PROCEDURES WOULD HAVE TO BE DEVELOPED TO ENSURE FULL AND FAIR IMPLEMENTATION.

IN THE ABSENCE OF ANY PROPOSED ALTERNATIVE FOR NEW AND EXISTING OIL TANKERS FROM 20,000 DWT TO 70,000 DWT, EXCEPT AS THE PROPOSALS OF DR. SPINELLI MIGHT BE APPLICABLE, THE UNITED STATES WILL GIVE CONSIDERATION TO THE POSSIBLE APPLICATION OF CRUDE OIL WASHING AS AN ALTERNATIVE FOR THESE SHIPS.

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(3) UNITED STATES PROPOSAL:
INERT GAS SYSTEMS IN NEW AND EXISTING OIL TANKERS OF 20,000 DWT AND ABOVE.
ALTERNATIVES:
NONE

UNITED STATES COMMENTS:
THE UNITED STATES REAFFIRMS ITS PROPOSAL FOR INERT GAS

SYSTEM MUST BE PART OF ANY CRUDE OIL WASHING INSTALLATION.

INERT GAS SYSTEMS ARE PRESENTLY REQUIRED IN NEW OIL TANKER OF 100,000 DWT AND ABOVE BY SOLAS 1974.

SOME CONCERN WAS EXPRESSED CONCERNING POSSIBLE TECHNICAL DIFFICULTIES WHICH MIGHT BE ENCOUNTERED IN INSTALLING INERT GAS SYSTEMS IN SMALLER EXISTING CRUDE TANKERS AND IN PRODUCT CARRIERS. AT THIS TIME THE UNITED STATES SEES NO MAJOR TECHNICAL PROBLEM WITH THE INSTALLATION OF INERT GAS SYSTEMS IN SMALLER EXISTING CRUDE CARRIERS. THE CONCERN FOR PRODUCT CARRIERS IS RECOGNIZED AND THE SUBJECT MERITS FURTHER CONSIDERATION.

13. WALLACE CONCLUDED BY EMPHASIZING THAT THE US PROPOSALS WERE "STILL ON THE TABLE." THE TIME HAS BEEN SHORT. THE TIME WILL HAVE BEEN SHORT IN JULY, TOO. BUT THIS SESSION IDENTIFIED SOME OF THE PROBLEMS, AND SOME OF THE POSSIBLE ALTERNATIVES. IN JULY THE THIRD SESSION WILL HAVE TO RESOLVE SOME OF THE PROBLEMS AND ACCEPT OR REJECT SOME OF THE ALTERNATIVES.

THE STATEMENT HAD A SOBERING EFFECT ON THE SERIOUS DELEGATIONS.

14. OBSERVATIONS:

(A) FRENCH DELEGATION (DUCLAUX) GAVE THE MOST ENLIGHTENED AND MOST CONSISTENT SUPPORT FOR US PROPOSALS. IN A LIMITED OFFICIAL USE
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PRIVATE CONVERSATION AFTER THE SESSION DUCLAUX INDICATED TO USDEL THAT HE REMAINS OPTIMISTIC ABOUT THE FINAL RESULTS OF THE WORKING GROUP. HE EMPHASIZED THAT TSPP WORKING GROUP WERE TECHNICIANS WHO ARE NOT QUALIFIED TO DECIDE ON MATTERS THAT ARE ESSENTIALLY ECONOMIC, COMMERCIAL, AND FINANCIAL. HE THOUGHT THE PROPOSED STUDY BY OECD ON THE ECONOMIC, COMMERCIAL AND FINANCIAL IMPLICATIONS OF RETROFIT OF EXISTING TANKERS WOULD BE INSTRUMENTAL IN REACHING A DECISION IN MSC/MEPC JOINT SESSION. USDEL HAS PASSED REQUEST BY TELEPHONE THAT USDEL TO OECD COUNCIL BE INSTRUCTED TO SUPPORT DECISION IN OECD TO DO THE STUDY ON ECONOMIC, COMMERCIAL, AND FINANCIAL ASPECTS OF RETROFIT. DECLAUX ALSO FELT THAT SERIOUS DELEGATIONS SUCH AS JAPANESE, NORWEGIANS, SWEDEN AND OCIMF WILL COME AROUND MORE TO US PROPOSALS BY OCTOBER SESSION.

(B) USSR DELEGATION GAVE STRONGEST SUPPORT FOR DB OF THE LARGE FLEET COUNTRIES.

(C)"UK DELEGATION PROVIDED LEAST SUPPORT ON ANY PROPOSAL OF ANY OF THE LARGE FLEET COUNTRIES.

(D) ARGENTINA AND KUWAIT INTERVENED WITH NEGATIVE BUT NOT NECESSARILY PERTINENT COMMENTS ON ALMOST EVERY MATTER DISCUSSED.

(E) JAPAN DELEGATION (TOMITA) RETROGRESED SUBSTANTIALY FROM THE PRELIMINARY INDICATIONS USDEL HAD RECEIVED IN TOKYO LESS TWO WEEKS AGO.

(F) OCIMF AND ICS (ADMIRAL GRAHAM) TOPPED THE LIST ON NUMBER OF INTERVENTIONS--ALL NEGATIVE.

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(G) GREECE AND AUSTRALIA STARTED OUT RATHER SUPPORTIVE OF US PROPOSALS BUT SEEMED TO SOUND LESS AND LESS SUPPORTIVE AS TIME PASSED.

(H) SOME DELEGATIONS SUGGESTED DELAY OF ENTRY INTO FORCE OF ANNEX II OF 73 C ONVENTION--TO FACILITATE NECESSARY RATIFICATIONS. (NETHERLANDS STRONGLY OPPOSED TO DELAY OF ANNEX II).

(I) CANADA DELEGATION WAS GENERALLY NEGATIVE ON EVERY-THING EXCEPT THE INERT GAS PROPOSAL, E.G., SBT WOULD CONSUME MORE FUEL, DOUBLE BOTTOMS INEFFECTIVE, COW WOULD PROVIDE BETTER PROTECTION TO ENVIRONMENT THAN SBT.

15. COMMENTS:

(A) THE JULY SESSION OF TSPP WILL HAVE TO FOCUS ON SOME ECONOMIC ISSUES:

(1) HOW TO PROTECT THE COMPETITIVE POSITION OF TANKER THAT RETROFIT;

(2) HOW TO COMPROMISE BETWEEN TANKER OWNERS AND CHARTERERS THE LOSS OF CAPACITY IN LONG TERM CHARTERS;

(3) THE INCREASE IN FREIGHT RATES, FOR EACH SIZE OF TANKER, TO COVER COSTS OF RETROFIT.

(4) COSTS OF RETROFIT, PER SHIP SIZE.

(B) MORE INFORMATION WILL BE NEEDED ON:

(1) DEFENSIVE PLACEMENT OF SB AS ALTERNATIVE TO DOUBLE BOTTOMS;

(2) EFFECTS OF IGS ON PRODUCT CARRIERS;

(3) THE TECHNICAL FEASIBILITY OF COMPLETE RETROFIT OF IGS ON SMALLER TANKERS AND PRODUCT CARRIERS;

(4) FEASIBILITY OF COW AS ALTERNATIVE TO SEGREGATED BALLAST WITH EVALUATION OF ITS EFFECTIVENESS IN PROVIDING LIMITED OFFICIAL USE

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COMPARABLE ENVIRONMENTAL PROTECTION.

16. USDEL SENDS. BREWSTER

UNQUOTE VANCE

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Message Attributes

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